

Exhibit 9

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re FACEBOOK BIOMETRIC
INFORMATION PRIVACY LITIGATION

) Master File No. 3:15-cv-03747-JD

) CLASS ACTION

) This Document Relates To:

) DECLARATION OF ADAM PEZEN

) ALL ACTIONS.
)

1 I, Adam Pezen, declare as follows:

2 1. I am a resident of Illinois, and one of the three named plaintiffs and Class
3 Representatives in the above referenced litigation against Facebook.

4 2. I respectfully submit this Declaration in support of the \$650,000,000 settlement (the
5 “Settlement”) of the case between Facebook, on the one hand, and the plaintiffs and certified Class
6 of Facebook users for whom Facebook created or stored a face template since June 7, 2011, on the
7 other.

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9 3. Over the course of more than five years of litigation, I have directly participated in
10 the case from its inception and kept fully informed of case developments and procedural matters. I
11 reviewed and provided input into the complaint and many other legal filings drafted by Class
12 Counsel Labaton Sucharow LLP’s (“Labaton”), Robbins Geller Rudman & Dowd LLP’s and
13 Edelson PC. Through email correspondence, phone calls and in-person meetings with my attorneys
14 at Labaton, I have stayed informed about the significant events throughout the course of the case,
15 including with respect to the motions to dismiss, class certification, summary judgment, appellate
16 proceedings, settlement negotiations and the ultimate proposed resolution of this class action.

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18 4. Specifically, both for my own sake and to satisfy my duties as class representative, I:

19 (a) reviewed drafts of the complaint and many other court filings in district court
20 (both in Illinois and California) and appellate courts, and provided my input as a plaintiff and class
21 representative;

22 (b) searched for, identified and provided relevant documents and information in
23 response to discovery requests;

24 (c) was deposed twice, once on February 18, 2016 and again on October 24,
25 2017, and met with my attorneys at Labaton before each deposition to prepare;

26 (d) flew from Chicago to San Francisco in April of 2018 to attend and participate
27 in a court-ordered mediation;

1 (e) spoke with my attorneys at Labaton about Facebook's offer to settle the case,
2 informed myself about the risks of continued litigation, and ultimately approved of the Settlement in
3 my role as class representative;

4 (f) reviewed drafts of the settlement agreement and discussed it in detail with my
5 attorneys at Labaton; and

6 (g) discussed the procedure for notifying class members about the Settlement and
7 optimizing the process for class members to submit claims with my attorneys at Labaton.

8 5. There were multiple instances throughout the case in which I either took off work, or
9 otherwise re-arranged my work schedule, in order to participate in the case and fulfill my
10 responsibilities as a class representative. In one instance I was compensated for actual lost wages
11 incurred as a result of my having to take time off from non-salaried employment to travel to San
12 Francisco to participate in a mediation in the amount of \$792.00. I have not received any other
13 compensation or reimbursement for my time spent on this case.
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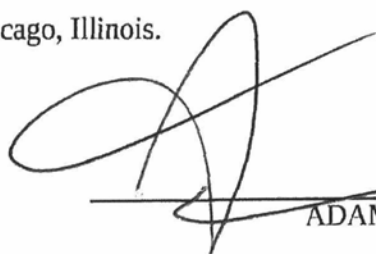
15 6. In total, I estimate that I expended at least 60 hours in my oversight and participation
16 in the case as a plaintiff and class representative.

17 7. I have discussed with counsel and evaluated the risks of continuing the case and
18 authorized counsel to settle for \$650,000,000 and non-monetary relief, including the requirement
19 that Facebook turn off Facial Recognition for everyone in the Class unless those people make an
20 informed choice to turn it back on (and that all face templates will be deleted if people do not agree
21 to turn it back on). I believe this Settlement is fair and reasonable and is in the best interest of the
22 Class Members.
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24 8. I declare under penalty of perjury under the laws of the United States of America that
25 the foregoing is true and correct.
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2 Executed on October 14, 2020, in Chicago, Illinois.

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A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a horizontal line extending to the right.

ADAM PEZEN